

In the United States Court of Federal Claims

No. 00-512L

(Filed: May 2, 2013)

PETRO-HUNT, L.L.C.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On April 4, 2013, defendant filed a motion to compel. On April 11, 2013, plaintiff filed a motion for a protective order in opposition to defendant's motion to compel. On April 26, 2013, plaintiff filed a motion to quash notice of deposition and for a protective order. On April 29, 2013, this court issued an order staying discovery until further order. On April 30, 2013, a status conference was held to discuss these discovery disputes. Participating in the conference were Joseph White, for plaintiff, and William Shapiro, for defendant. Pursuant to discussions during the conference:

1. This court's order of April 26, 2013, staying all discovery is hereby lifted;
2. Defendant's motion to compel is hereby **GRANTED**, in part, and **DENIED**, in part; and plaintiff's first motion for protective order is hereby **GRANTED**, in part, and **DENIED**, in part:
 - a. Defendant's motion to compel is **MOOT** as to the March 7, 1998, Purchase and Sales Agreement; a March 20, 1998, letter regarding that Agreement, and attachments to that Agreement, all of which have now been produced;
 - b. As discussed, plaintiff's counsel shall review:
 - i. Plaintiff's files documenting the transaction in which the subject properties were acquired to

determine whether any information there in is responsive to defendant's Third Request for Production Number 9;

- ii. One set of annual financial statements (both audited and unaudited) to confirm whether the data therein is aggregated only at the state level or higher, so as to determine whether such statements are responsive to defendant's Third Request for Production Number 17; and
 - iii. The 1998 income tax return reflecting plaintiff's income, deductions, etc., or, if no longer available, a comparable return for a later tax year, to confirm whether any information therein is responsive to defendant's Third Request for Production Number 18;
- c. Plaintiff's counsel shall also confirm with plaintiff that no mortgages, deeds of title or trust, sale-leaseback contracts, or other financing documents exist that pertain to the subject property and are responsive to defendant's Third Request for Production Number 23. If there is any doubt as to whether a document is responsive, plaintiff's counsel shall review it to make this determination; and
- d. In addition, plaintiff's counsel shall confirm with plaintiff that no negative covenants exist that relate to any financing conducted by plaintiff or related entities and are responsive to defendant's Third Request for Production Number 23. If there is any doubt as to whether a document is responsive, plaintiff's counsel shall review it to make this determination;
3. Plaintiff's motion to limit defendant to one deposition of Mr. Brad Truett is hereby **DENIED**;
4. Plaintiff's motion for protection against defendant's proposed RCFC 30(b)(6) deposition topics is hereby deemed **MOOT** for the reasons described at the conference. Defendant will re-notice the RCFC 30(b)(6) deposition as prescribed in the schedule below;
5. Plaintiff's motion to quash is hereby deemed **MOOT** for the reasons described at the conference. Defendant will re-notice the RCFC 30(B)6 deposition as prescribed in the schedule below;

6. Fact discovery shall proceed with the following schedule:
 - a. On or before May 28, 2013, plaintiff shall file:
 - i. A statement setting forth plaintiff's findings as to the matters described in paragraphs 2(b)-(d); if plaintiff discovers responsive documents pursuant to the review described in those paragraphs, it shall file either:
 1. A notice that it has served those documents on defendant, or
 2. A motion renewing its request for a protective order for those documents;
 - ii. Either a notice that it has served on defendant plaintiff's 1998 IRS Form 8594 in response to defendant's Third Request for Production Number 9, or a motion renewing its request for a protective order for that document;
 - b. No later than June 11, 2013, defendant shall serve on plaintiff its reformulated RCFC 30(b)(6) deposition notice;
 - c. On or before June 28, 2013, fact discovery shall close (this is a tentative deadline); and
7. Expert discovery is **STAYED** until further order.

IT IS SO ORDERED.

s/ Francis M. Allegra
Francis M. Allegra
Judge